

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Folsom, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10021118-1

OCT 04 2004  
PATENT & TRADEMARK OFFICE  
IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): ROBERT M. R. NEFF

Serial No.: 10/616,794

Examiner: DANG, T. O.

Filing Date: JULY 10, 2003

Group Art Unit: 2823

Title: TUNABLE DIFFERENTIAL TRANSCONDUCTOR AND ADJUSTMENT METHOD

COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment ( ) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
(X) No additional fee (Address envelope to "Mail stop Non-Fee Amendments")  
( ) Other: \_\_\_\_\_ (fee \$ \_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
( ) FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						+ \$290
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 09/29/2004

Typed Name: FRANK C. NICHOLAS

Signature: Frank C. Nicholas

Respectfully submitted

ROBERT M. R. NEFF

By Robert M. R. Neff

FRANK C. NICHOLAS

Attorney/Agent for Applicant(s)  
Reg. No. 33,983

Date: 09/29/2004

IFW



Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on September 29, 2004  
(Date of Deposit)

FRANK C. NICHOLAS (33,983)  
Name of applicant, assignee or registered representative

Frank C. Nicholas  
Signature

September 29, 2004  
Date of Signature

PATENT  
Case No. 10021118-1  
(8750/22)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	)	
ROBERT M. R. NEFF	)	
	)	
Serial No.:	)	Group Art Unit No.: 2823
10/616,794	)	
	)	
Filing Date:	)	
JULY 10, 2003	)	
	)	
Title:	)	Examiner: DANG, T. O.
TUNABLE DIFFERENTIAL	)	
TRANSCONDUCTOR AND	)	
ADJUSTMENT METHOD	)	

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

**DATED SEPTEMBER 3, 2004**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Election/Restriction Requirement dated September 3, 2004. The Applicant respectfully traverses and requests reconsideration of the election/restriction requirement. Should the Examiner maintain the election/restriction requirement, the Applicant elects claims 1-13.

September 29, 2004  
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Serial No.: 10/616,794  
Filed: July 10, 2003  
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Claims 1-13 drawn to a tunable differential transconductor (Group I) and claims 14-24 drawn to a method for tuning a differential transconductor (Group II) are not distinct such that a restriction for examination purposes is proper.

The Applicant respectfully submits that the Examiner errs in finding that the apparatus as claimed can be used to practice another and materially different process, as required to support the conclusion that the groups are distinct under MPEP §806.059(e). The Examiner provides the example of using the transconductor of the Group I invention to vary the gain of an amplifier system for radio frequency signals. This is not an “another and materially different process,” but an application of the process as claimed. The exemplary use would require the Group II process to adjust the initial operating parameters of the transconductor and to vary the operating parameters to vary the amplifier gain. Therefore, the exemplary use is not an “another and materially different process” showing that the groups are distinct under MPEP §806.059(e), but an application of the same process.

Reconsideration of the election/restriction requirement is respectfully requested in light of the remarks herein. Should the Examiner maintain the election/restriction requirement, the Applicant elects claims 1-13.

Dated: September 29, 2004

Respectfully submitted,  
Robert M. R. Neff



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FRANK C. NICHOLAS  
Registration No. (33,983)  
Attorney for Applicant

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